

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAY 28 2009

PATRICIA PRESLEY, COURT CLERK
By _____ DEPUTY

Oklahoma Department of Securities)
ex rel. Irving L Faught,)
Administrator,)
Plaintiff,)
v.)
Brian McKye,)
Defendant)

Case No. CJ-2009-2773

DEFENDANTS ANSWER AND OBJECTION TO PLAINTIFFS'
SUBPOENA TO PRODUCE DOCUMENTS AND MOTION FOR
COURT APPROVED ACCESS TO DOCUMENTS

COME NOW the Defendant, Brian McKye, and answer and object to the subpoena dated May 19th 2009. Plaintiff is requesting documents alleged to be in the possession of the Defendant. These documents are alleged to be distributed at the Hometown Buffet on May 15th 2009. It is further alleged that Defendant possesses materials of a video tape recording made of this meeting.

Objection #1 Defendant was fired and banned from the premises of any of the corporate properties in question. If any documents are available to the plaintiff, Defendant respectfully requests the access to any and all offices which may have the documents in question.

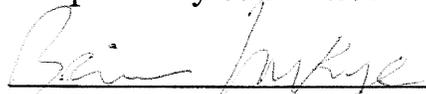
Objection #2 Defendant has been barred from communicating with any staff or former staff of his companies. If there exists such documents or video images of said meeting, Defendant respectfully requests the access to staff and personel which recently have been prohibited access to the Defendant, by the Special Master.

Defendants' Motion is hereby given to request the Court to allow Defendant access to the "Anonymous Letter" in Plaintiff's possession which was given as to why this initial action was taken by Plaintiff. Defendant cites the Sixth

Amendment to the Constitution which states that Defendant has the right to "confront the witnesses against him". Since this is not a criminal action, yet has been presented to the Press by the Plaintiff as an "infamous act" by being called a "Ponzi scheme", Defendant respectfully requests to be allowed by the Court to view this "Anonymous Letter" which is the so-called cause of this "emergency" action.

Issued this Thursday the 28th of May 2009.

Respectfully submitted



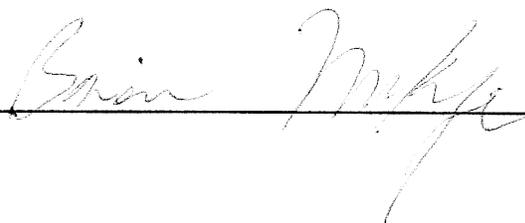
Brian McKye -Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of May, 2009, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage paid there on addressed to:

Stephen J. Moriarty
Fellers, Snider
100 N. Broadway, ste 1700
Oklahoma City Ok 73102

Patricia A Labarthe
Oklahoma Department of Securities
120 N. Robinson su 860
Oklahoma City, Ok 73102



Brian McKye